

5 February 2025

Our Ref: Additional Information Response for Panel-Cabramatta

The Secretariat  
Sydney Western City Planning Panel

Uploaded to Planning Portal

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Dear Sir/Madam,

**Additional Information Response for Council/Panel consideration  
PPSSWC- 337 – Fairfield – DA 167.1/2023 – 84 Broomfield St, Cabramatta**

By way of background, on 22 November 2024, the Sydney Western City Planning Panel (the **Panel**) uploaded its record of deferral to the NSW Planning Portal (**Portal**). That record of deferral sets out some strict obligations on both the applicant and Council to assist in the determination of this application as summarised below:

1. Council is to promptly provide a written update to the Secretariat as to whether the sale of that part of the land included in the application is endorsed by Council following its meeting of 26 November 2024
2. The Applicant to advise the Secretariat by Friday, 13 December 2024 as to any further information or plans to be provided, which are then to be prepared and submitted by 5 February 2025
3. Council to respond to remaining outstanding issues, concerns by TfNSW and draft Conditions by 28 February 2025, with the Applicant responding within 7 days to these matters.

**Item 1**

In respect of Item 1 above, unfortunately the road closure matter was deferred from its meeting of 26 November 2024 and reconsidered at the meeting of 12 December 2024.

Despite the process for the valuation being set out in previous correspondence (See **Attachment A**) and the applicant's agreement to subsequent terms set by Council officers, the Council resolved to increase the sale price by nearly 70% and requires a non refundable deposit should the road closure not eventuate (on top of the road closure fees). Further, the resolution stated that the owner's consent from Council would only be issued on execution of the contractual agreement.

Whilst noting that Council's approach is inconsistent with Council's letter at Attachment A the substantive increase in price and will have even greater implications for the sale of the residue of the

laneway for the future Stage 3, particularly as Council has included this land as an essential lot area to meet its minimum site area requirement imposed to access the greater height and FSR controls.

Our client representatives have sought a meeting with the General Manager of Council to discuss the Council's new terms and whether these could be reconsidered. It is understood that the General Manager has declined to meet.

In our previous correspondence to Council and the Panel on this matter dated 13 December 2024, we reserved the right to progress an amendment to the DA to exclude the Council's land so that this jurisdictional matter could be addressed. These attached amended plans are those which are proposed to be the subject of the DA and any consent granted.

Whilst the applicant intends to seek reconsideration of the terms by Council, we have prepared plans which exclude the Council's land, with the notable changes being a reduced basement area (excluding the Council land) and reduction of bedrooms in certain units to comply with the residential parking requirement. The reduction in the number of carparking for the commercial/retail area has been achieved by deleting the child care centre and replacing with offices. The implications on car parking are discussed later in this letter.

## Item 2

This item requires confirmation of any new information or plans to be provided. In the letter of 13 December 2024, GLN raised a number of issues where it was evident that the Council's Assessment Report presented to the Panel did not rely on the additional information submitted in February 2024, and it requested clarification as to whether this was correct. GLN followed up with Council by email on 10 January 2025. On the 14 January Council replied to the email but did not indicate whether its Assessment Report to the Panel addressed the additional information in the RFI response of February 2024.

It is acknowledged that Council's email of 14 January 2025 did provide the contacts for various technical officers should the applicant's Consultant Team have any queries and we thank Council for this assistance. Further contact with Council's technical officers has not been sought by the consultant team after reviewing the dated information in Council's Assessment Report, noting many issues have been addressed either by modification of the scheme and/or otherwise can be addressed by attaching appropriate conditions to any consent granted to confirm Construction Certificate requirements.

The key changes to the plans as part of this amended application for Council's and the Panel's consideration are:

- plans to reconfigure the basement and changes to bedrooms numbers in certain units and mix of apartments and deletion of retail mezzanines. The overall FSR of the scheme has been reduced ensuring that the proposal complies with the required FSR. The basement still provides for a future connection to Stage 3 if required.
- plans showing the deletion of all windows on the northern façade of Building B at Level 1.
- plans showing the deletion of the childcare centre and replacement by offices.

The amended plans have been uploaded to the Portal with this letter.

In our letter of 13 December 2024, we provided responses to a number of matters raised in the Council's Assessment Report and we use the same headings and text to either reinforce or further advise where amendments or additional advice has been prepared to address the Council issue.



## Contamination

As noted in our letter of 13 December 2024, the Council's Assessment Report only refers to a Preliminary Site Investigation being submitted. However, a Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) was lodged in July 2023 and was also referenced in the GLN letter responding to the request for information in February 2024.

The DSI and RAP meet all the requirements of Chapter 4 of State Environmental Planning Policy (Hazards and Resilience) 2021.

## Pedestrian Bridge

As noted in our letter of 13 December 2024, no further information will be submitted on the pedestrian bridge. Council will be aware from its own failed attempts to negotiate with Sydney Trains through the former Department of Planning Industry and Housing's, Project Delivery Unit that Sydney Trains does not support the bridge, which has been confirmed in writing.

The DCP nominates a pedestrian bridge. However, like all DCPs that nominate works on public land this is subject to approval of other authorities, and even if approved may be in an entirely different configuration or location for the works to that agency specifications. A DCP has no power to force a developer to construct a piece of public infrastructure unless covered by either a contributions framework or planning agreement and where approval from another authority may be required.

A Planning Agreement has been executed between Council and the Applicant and is registered on title that should Sydney Trains not support the pedestrian bridge, then the applicant pays to Council a greater amount than the cost of the bridge for community facilities in the area. The response from Sydney Trains through Transport for NSW should put an end to this matter or erroneous considerations of noise and space requirements that clearly no longer have any relevance as the pedestrian bridge has not been supported.

## Car Parking

As noted above, amended plans have been prepared showing the deletion of the Council cul de sac land with an area of 187m<sup>2</sup> from the site. This has meant the basement has been altered and now comprises:

- 245 car spaces for the residential component including 35 accessible spaces. Of these there will be 18 tandem spaces allocated to specific 3 bed apartments. The car parking provision for the residential units comply with the DCP as follows:
  - 28 x studios (8% of mix) requiring 0.5 spaces per studio or 14 spaces
  - 101 x 1 bed units (28% of mix) requiring 0.5 spaces per unit or 50.5 spaces
  - 190 x 2 bed units (53% of mix) requiring 0.75 spaces per unit spaces or 140.5 spaces
  - 39 x 3 bed units (11% of mix) requiring 1 spaces per unit or 39 spaces

Total required car parking for residential units – 245 spaces and 245 spaces are provided.

No visitor car parking is provided given the high public transport accessible location and abundance of car parking in the area (to be discussed further below).

With regard to the allocation of residential parking, it is primarily smaller (studio and one-bedroom) that will not be allocated a parking space, while stacked parking spaces would be allocated to the larger dwellings (3 bedrooms). Accessible parking spaces have also been provided at a commensurate rate to the number of adaptable dwellings, i.e. 10% of parking spaces are provided as accessible spaces.

Further to the design revisions, while the majority of the basement parking level infrastructure is unchanged from that provided in the DA, a small number of changes have been made to some access aisles and parking spaces so as to provide compliance with the relevant Australian Standards. As discussed in the Transport Assessment, two different designs are provided for the accessible spaces. One design references AS 2890.6, which provides for 1 standard parking space (5.4m by 2.4m) with an adjacent shared space of the same dimensions but with a central bollard to prohibit parking); the other design references the National Construction Code 2022 and Disability (Access to Premises — Buildings) Standards 2010, and provides an accessible space of 5.4m by 3.8m.

All other residential and retail/commercial parking spaces provide dimensions and adjacent aisle widths appropriate to the different AS 2890.1 User Classes.

- 182 car parking spaces for the retail area, office and hotel functions within the development noting that the child care centre has been deleted from the scheme and replaced with commercial tenancies. This complies with the required carparking for each use as follows:
  - There is 1,828m<sup>2</sup> of retail space at 1 space per 25m<sup>2</sup> or 73 spaces.
  - There is 1,575m<sup>2</sup> of office space on the first level. Technically the DCP only calls up a car parking rate for offices on the ground floor of 1 spaces per 25m<sup>2</sup>. There is no standard for first floor office and business premises although it is noted in other parts of the DCP the standard of 1 space per 40m<sup>2</sup> is applied which is consistent with the historic Transport for NSW rate. Applying the 1/40m<sup>2</sup> rate, there is a requirement of 39 spaces.
  - There is a hotel nominated on the ground floor with a bar and gaming area of 217m<sup>2</sup> and restaurant/food service of 342m<sup>2</sup>. It is noted that despite the DCP setting a rate for hotels, pubs are included in the definition of *food and drink premises*. (See definition from Fairfield LEP 2013 below).

*food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—*

- (a) a restaurant or cafe,*
- (b) take away food and drink premises,*
- (c) a pub,*
- (d) a small bar.*

Under the DCP food and drink premises (ie the pub/hotel) require the provision of car parking at the rate of 1 per 25m<sup>2</sup> or 22 spaces.

Despite the inconsistency in the DCP, it is plausible that the 1 per 5 spaces should reasonably be applied to the bar area (and gaming area) of the hotel where these areas might be expected to have a higher density of patronage rather in a seated section with food service where a 1 per 25m<sup>2</sup> can be applied. The bar and gaming area have a total area of 217m<sup>2</sup> requiring 43 spaces and the seated food areas total 342m<sup>2</sup> requiring 14 spaces.

There is an additional restaurant on Level 1 which has an area of 228m<sup>2</sup>, requiring 9 car parking spaces.

The total car parking for the hotels and food components of the use if assessed as defined as a food and drink premises is 35 spaces. If there car parking were applied ignoring that the hotel is totally a food and drink premises and applying the higher car parking rate to bar area and gaming room, the total required parking is 70 spaces.

The total car parking requirement for offices, bar and restaurant uses assuming that the hotel is treated as a food and drink premises is therefore 135 spaces or if notionally adjusted for bar and gaming room rates 178 spaces.

Table 1 shows the calculations.

Use	Parking Rate	As per DCP and Food and Drink premises definition	As per DCP but adjusted to apply higher rate to bar areas
Retail (Ground)	1/25m <sup>2</sup>	73	73
Commercial (First Floor)	1/40m <sup>2</sup>	0	39
Hotel (Ground)	1/25m <sup>2</sup>	22	14
	1/5m <sup>2</sup>	0	43
Restaurant (First Floor)	1/25m <sup>2</sup>	13	9
Total		108 spaces	178 spaces

To further give sense to the application of the car parking rates for car parking as discussed above, it is noted that the parking requirements for hotels as detailed in the DCP do not reflect current travel modes for tavern patrons, noting that it appears to reflect an old RTA Guide parking rates for places of entertainment and the like, the surveys for which were undertaken more than 40 years ago.

When considering the peak parking demand for the tavern, a number of factors require consideration; these include:

Local Population: The tavern is well located within both the Town Centre and broader residential/urban area, and as such it is anticipated that a higher percentage of patrons will be locals who will use active transport to/from the Site. It is of course also noted that many of these patrons would like be patrons of the Stardust Hotel.

Existing Tavern/Pub Parking: Further to the above, there are dozens of similar venues across Sydney, many of which provide little on-site (or indeed on-street) parking for patrons; indeed, these include other taverns/pubs in the LGA, including:

- Cabramatta Hotel (no parking);
- Cooks Hills Hotel (minimal parking);
- Canley Hotel (minimal parking);
- Fairfield Hotel (minimal parking); and
- Crescent Hotel, Fairfield (no parking).

Public Transport: As discussed in regard to residential visitors, public transport access to/from the Site is excellent, being located immediately adjacent to Cabramatta Station and bus interchange.

Responsible Driving: Since the introduction of Drink Driving regulations and enforcement, and indeed ongoing strategies targeting drink driving, the percentage of tavern/pub patrons using private vehicles has steadily reduced.

Carpooling: Carpooling is also being increasingly used, with designated drivers rotating through groups of friends or families.

Car Ride Services and Taxis: Car ride services such as Uber have revolutionised the standard night out, providing a viable alternative to private car travel and a direct trip between origin and destination. Taxis of course provide the same function.

As a result of these factors, travel mode surveys of taverns and pubs across broader metropolitan Sydney consistently show car driver percentages of between 20% and 30%, while those in centres (such as Cabramatta) report even lower car driver rates.

Finally, if a higher parking rate (per the DCP) was evident for a tavern, this demand would have been identified in the parking surveys undertaken in local area, noting that the existing Stardust Hotel (with an estimated GLA at least double that of the proposed tavern) would in turn generate a parking requirement for over 250 parking spaces. This is clearly not the case, when the parking surveys of the 60 space parking area to the rear of the Stardust Hotel showed ample capacity even in peak periods.

### **Residential Visitor Parking**

It was noted our letter of 13 December 2024 that the car parking for the development was compliant with the Cabramatta DCP but had no provision for visitor car parking which is available within the numerous car parks and availability of kerbside parking adjoining the site, as confirmed by parking surveys and referenced in the DCP as the pathway to reduce parking. Council, in its Assessment Report acknowledged that the DCP provides that:

*Car parking can be reduced where there are other uses sharing the same parking area that are not in operation at the same time (such as a child care centre or office premises) and/or where existing street parking or public car parking is available within 400m of the site as demonstrated by a parking survey.*

The parking required for the commercial and retail component of the development was only exceeded because of the DCP parking rate for the taverns. However, as detailed above this rate does not reflect the parking demand generated by the existing on-site hotel, which will simply be relocated (and reduced in size) into the new premises; and where the peak hours of operation will differ from the bulk of the retail/commercial space.

Further to the above, a new assessment of shared parking has been prepared based on the revisions to the DA, and shows that the proposed 179 retail/commercial parking spaces would almost always provided enough capacity themselves to meet the full retail, commercial, tavern and residential visitor parking demand at all times of the day, as shown in the tables below.

Table 2: Peak Parking Demand per Parking Generator

% Peak Demand	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	Peak Parking Demand
Resi	6	26%	28%	32%	30%	33%	26%	23%	20%	30%	46%	60%	100%	87%	72
Visitor	0%	0%	67%	67%	74%	85%	90%	81%	85%	100%	80%	70%	54%	40%	73
Retail	0%	50%	100%	100%	100%	100%	100%	100%	100%	75%	25%	5%	0%	0%	40
Comm	3%	3%	3%	3%	6%	35%	48%	42%	29%	32%	51%	65%	100%	80%	67
Tavern															

Table 3: Peak Shared Parking Demand

Shared Parking Analysis	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00
Residential	16	19	20	23	22	24	19	17	14	22	33	43	72	63
Visitor	0	0	49	49	54	62	66	59	62	73	58	51	39	29
Retail	0	20	40	40	40	40	40	40	40	30	10	2	0	0
Commercial	2	2	2	2	4	23	32	28	20	21	34	44	67	54
Tavern														
<b>Total Demand</b>	<b>18</b>	<b>41</b>	<b>111</b>	<b>114</b>	<b>120</b>	<b>149</b>	<b>157</b>	<b>144</b>	<b>136</b>	<b>146</b>	<b>136</b>	<b>140</b>	<b>178</b>	<b>145</b>

Finally, it is noted that the Transport for NSW review of the DA and site-specific DCP noted the following:

*Given the site's proximity to the train station, consideration should be given to travel demand management measures that can be included in the DCP requirements. This could include consideration to appropriate maximum car parking rates to encourage the use of public and active transport and reduce reliance on private vehicles.*

Council did not adopt maximum rates in the DCP as per the TfNSW review.

Notwithstanding the above, Council’s Assessment Report states that it will not recognise this provision of the DCP to reduce car parking where there is ample car parking already provided. This approach is at kilter with good planning practice for sites that benefit from superior public transport. However, reliance on this is no longer required.

Traffic

Council has also referred us to comments from TfNSW uploaded to the Planning Portal in relation to the proposed development. In response to these comments, the following is noted:

- The TfNSW statement that the intersection of CRE Major and Cumberland St operates at Level of Service LoS E or LoS F is an incorrect based on the SIDRA analysis presented by arc traffic + transport report and TfNSW Traffic Modelling Guidelines, as the Level of Service of a signalised intersection is based on the average delay to all movements/approaches, not the worst approach delay. The traffic analysis determined that the Level of Service at the intersection was Level of Service B in the AM peak and Level of Service C in the PM peak further to the additional Site trips, which is a more than acceptable Level of Service for an intersection along a major road.
- In response to the comment as to why the assessment adopted low trip rates, the trips rates used are entirely consistent with those used in earlier assessments for the Site, and appropriately reflect the Site’s location in close proximity to public transport, shops, schools and open space. Moreover, the Proposal adopts maximum parking rates as specifically requested by TfNSW, which in turn further reduces trip generation as not every apartment has a parking space.
- The traffic assessment – including the analysis of surrounding intersections – also specifically considers Council's other planned (at the time) up-zonings in the area, and hence provides a sound understanding of the traffic impacts associated with the development of the Site and other sites on the eastern side of Cabramatta Station to their full potential. After allowing for all the additional traffic, the assessment found no mitigation works were required. It is acknowledged that some mitigation works may be required in the future if the development of these other sites does not confirm to the land uses identified in the Transport Assessment (which were agreed with Council) but there is no requirement for this development to undertake any additional assessment of the local road network given the very detailed scope of the traffic assessment and – simply – the fact that the additional trip generation of the development when compared to the existing trip generation is relatively minor.
- Indeed, further to the removal of the child care centre from the development, and revisions to some apartments (with resulting reductions in parking requirements) and the use of commercial space, the additional trips generated by the Site when compared to the Site’s existing trip generation would be minor, as shown in Table X below

Table 4: Additional Site Trips

Revised DA Parking Requirement	AM Peak		PM Peak	
	Trip Rate	Trips	Trip Rate	Trips
Residential (per parking space)	0.15	37	0.12	30



Retail (per 100m <sup>2</sup> GLA)	1.0	18	3.0	55
Commercial (per 100m <sup>2</sup> GFA)	1.7	27	1.2	19
Tavern Bar/Game (per 100m <sup>2</sup> GLA)	0.5	1	10.0	22
Tavern Restaurant (per 100m <sup>2</sup> GLA)	2.0	11	5.0	29
Sub-Total		57		95
<b>Total</b>		<b>94</b>		<b>125</b>
<b>Existing Site Trips</b>		63		126
<b>Additional Site Trips</b>		<b>30</b>		<b>-1</b>

With reference to Table 4 above, if some of the commercial space was used for higher generating uses such as a medical centre or a gym (as adopted in the Transport Assessment) the additional Site trips would increase slightly, but overall the additional trip generation of the Site when compared to its existing trip generation would average less than 1 additional trip every 2 minutes.

Finally, we note that the TfNSW comments are for "consideration" (as opposed to requiring concurrence) under the State Environmental Planning Policy (Transport and Infrastructure) 2021. The matters in the TfNSW comments are addressed above and in the Transport Assessment, and in any event would not appear to pass the Newbury test, as the condition to undertake a broader area traffic management study would not be reasonably related to either the assessment completed or to address the impacts associated with the proposed development.

### Acoustic Impact

The RFI response submitted in February 2024 was supported by a revised acoustic report and Plans of Management for the Child Care Centre (now deleted) and Tavern/restaurant uses.

We remain unsure whether the revised Acoustic Report or Plans of Management had been reviewed or why a medical centre would be regarded as a noise generating land use as stated in the Council's Assessment Report

In our response of 13 December 2024, it was noted that we had reached out to Northrop Acoustic Engineers who has provided a succinct response at **Attachment B** to all matters raised in Council's Assessment Report, excluding the child care centre which has been deleted from this application. Attachment A confirms that the matters raised have already been considered or would typically be addressed by attaching appropriate conditions to any consent granted as is typically the scale for this type of application.

### BCA compliance

In our letter of 13 December 2024, we noted that from pages 60 and 61 of Council's Assessment Report that Council remains "concerned" with regards to protection of openings within 3m from the west boundary.

The letter of 13 December 2024 included advice from the McKenzie Group received specifically to address the matter in Council’s Assessment Report. That advice was also included in the presentation to the Panel which was subsequently forwarded to the Panel. The following commentary and extracts were included in these references to confirm the BCA compliance and are repeated below:

*BCA Clause C4D3 notes that openings in external wall required to have FRL must be protected (external wall wetting sprinklers will comply as DTS), where the openings are within 3m from the side/ rear boundary.*

**C4D3                      Protection of openings in external walls**

[2019: C3.2]

- (1) Subject to (2), openings in an *external wall* that is *required* to have an FRL must be protected in accordance with **C4D5**, and if wall-wetting sprinklers are used, they must be located externally.
- (2) The requirements of (1) only apply if the distance between the opening and the *fire-source feature* to which it is exposed is less than—
  - (a) 3 m from a side or rear boundary of the allotment; or
  - (b) 6 m from the far boundary of a road, river, lake or the like adjoining the allotment, if not located in a *storey* at or near ground level; or
  - (c) 6 m from another building on the allotment that is not Class 10.
- (3) Openings *required* to be protected under (1), must not occupy more than 1/3 of the area of the *external wall* of the *storey* in which they are located unless they are in a Class 9b building used as an *open spectator stand*.

*The west elevation wall appears to be non-loadbearing walls. In accordance with BCA Table S5C11b, the west elevation wall is to be fire rated and/or openings protected within sprinklers.*

**Table S5C11b:            Type A construction: FRL of non-loadbearing parts of external walls**

Distance from a <i>fire-source feature</i>	FRL (in minutes): <i>Structural adequacy / Integrity / Insulation</i>			
	Class 2, 3 or 4 part	Class 5, 7a or 9	Class 6	Class 7b or 8
Less than 1.5 m	–/90/90	–/120/120	–/180/180	–/240/240
1.5 to less than 3 m	–/60/60	–/90/90	–/180/120	–/240/180
3 m or more	–/–/–	–/–/–	–/–/–	–/–/–

*If sprinklers with fixed glazing are provided to Levels 3 and above, compliance with BCA DTS provisions can be achieved.*

With the removal of the windows to the northern elevation of the child care centre level, there are no other outstanding BCA issues.

**Flood Affection and Stormwater Drainage**

In our response of 13 December 2024, it was noted that the Council’s Assessment Report did not address any of the additional information prepared by Northrop Engineers and included our RFI response in February 2024, which also included DRAINS modelling. The approach to the 2 matters is discussed below:

Flooding/overland flow path



There is currently an overland flow path that carries stormwater from a sag point in Cabramatta Road East adjacent to the public lane to eventual run into the public lane and across the rear of the Stardust Hotel.

This issue was discussed in a great deal of detail at the rezoning stage but noting that a pathway would need to be identified through the development.

The strategy proposed by Northrop is to divert the overland follow once it enters the laneway by some simple pavement threshold treatments into a drain that extends to the east of Building A and then into existing easements that ultimately discharge to Fisher Street. In part this is why the additional lot in Stage 3 was purchased and included in the DA to enabling the widening of the laneway and new diversion drain.

This approach is preferred as it divert these nuisance flows to the periphery of the development site rather than through the future market square which is the current route of the overland flows. In response to the Council RFI, the architectural plans were amended to adjust the basement levels and building above to ensure this drain could be readily accessed for maintenance purposes. We note also that the drain has been fully contained within the development site notwithstanding the site adjoins the Cumberland St car park land which could have always been used to alleviate this existing problem.

The solution proposed is robust, sensible and represents no cost to Council. We would expect appropriate conditions of consent to confirm the approach and any detailed design matter.

#### Stormwater Drainage

Apart from the works to divert the overland flow path, the response to the RFI from Northrop also detailed the approach to dealing with stormwater that fell onto the site including the public laneway. Whilst it is not uncommon for large development sites to deal existing stormwater connections as part of a future development, in this case, it was envisaged that the public laneway and any Council assets within would be replaced and taken over as part of the proposed development, which is typically the case.

Northrop approach to the stormwater that falls within the public laneway after the diversion of the overland flow path is to collect the stormwater in the existing pit in the cul de sac head and replace the Council infrastructure with new pipes to be owned and maintained by the development as is also typically the case for these large infill sites. The strategy also the works in a staged manner as appropriate once construction commences and detention (in the DRAINS modelling) to ensure stormwater conveyance and flood impact is addressed. These matters were prepared to specifically address the matters in Council's RFI and not referenced or acknowledged in Council's assessment Report.

Again, the solution proposed is robust, sensible and represents no cost to Council. We would expect appropriate conditions of consent to confirm the approach and any detailed design matter.

#### **Site Isolation, Compliance with DCP and Design Excellence**

The urban massing of the development reflects:

- Council's site amalgamation provision which by default isolates one of only two lots within Stage 2 with an area of less than 100m<sup>2</sup> to achieve its 2,700m<sup>2</sup> site area requirement. Even if the applicant was able to secure the 2,700m<sup>2</sup>, the tower in Stage 2 would have to be sited as proposed.
- The provisions of the DCP which establish building envelopes are some 25% to 30% larger than the maximum FSR as per the ADG to allow for architectural expression and finer grained siting and design considerations. This enables the maximum parts of the envelope to be reshaped or even deleted.
- In addition to the above, the overall considerations expressed in the DCP is that the tower in the south west corner be 19 storeys and that the final heights and siting of buildings must ensure that, among other things, dwellings within the development and in proximity to the Precinct are capable of achieving the required solar access as prescribed in the Apartment Design Guide.

Importantly if the applicant managed to secure the 2,700m<sup>2</sup> site area requirement, and based on the proper consideration of the DCP and site area requirement as outlined above, the proposed urban massing on Stage 2 as shown in the DA would be substantially the same as that submitted with the proposal and within 10% the maximum floorspace required (which would be expected given the impact of the single isolated lot not included).

The above ADG references would also address the 'concern' over the future ability for Stages 3 and 4 to be developed, noting the biggest risk to Stage 3 is not from the separation of the Building in Stage 1 but whether Council agree to the sale of the remainder of the lane required to meet the minimum site area for this stage and its associated FSR.

We have not touched on other errors in the Council Report as it is assumed these will be fixed without further input from the Consultant Team. We would suggest it be provided in draft so that we can review rather than spend valuable Panel briefing time pointing out errors.

The Applicant's representatives thank the Panel for their consideration of this significant redevelopment of Cabramatta East and provision of housing in a highly accessible and desirable location as anticipated in the Planning Proposal.

Please contact me should there be any queries regarding any of the above.

Yours faithfully

**GLN PLANNING PTY LTD**



**PETER LAWRENCE**  
**DIRECTOR**



**Attachment A – Letter from Council Outlining valuation and process for road closure**



## Attachment B – Response from Northrop Acoustics

<p><b>Noise Impact – Licensed premises (Tavern)</b></p> <ul style="list-style-type: none"> <li>The submitted <b>Acoustic</b> report has only assessed amplified music associated with the proposed licensed premises. Other noise sources such as patron noise, gaming room noise, mechanical services noise and any other noises from the outdoor smoking areas have not been included in the assessment. A detailed noise impact assessment will need to include all noise sources associated with the proposed licensed premises.</li> </ul>	<p>1. Section 7.3 of the acoustic report states that music noise would be louder than patron noise. Music noise was used as a worst case scenario. Noise mitigation measures used to mitigate the worst case scenario would also reduce noise from less noisy activities (ie. patron noise, gaming room noise).</p> <p>2. We note that there are no outdoor smoking areas.</p> <p>3. Recommendations were also provided in the acoustics response to RFIs (see column C in this spreadsheet for the extract)</p> <p>4. Mechanical service noise was not assessed, as the mechanical design has yet to be finalised. Council can condition that an acoustic assessment of mechanical plant shall be undertaken prior to CC</p>	<p>The Tavern operators will be able to manage this through a noise management plan. The following management measures can be incorporated into the noise management plan:</p> <ul style="list-style-type: none"> <li>Utilise the internal layout to ensure that queuing occurs within the building</li> <li>Have security at the doors to avoid patrons from loitering</li> <li>Have designated smoking rooms for patrons and restrict smoking to these areas</li> </ul>
<p>The proposed licensed premises is located within Building – C, however, noise impact from the proposed licensed premises has not been assessed on the receivers located within Building – C. All nearest sensitive receivers within the proposed development must be labelled and identified correctly. The submitted <b>acoustic</b> report must include the elevation of the proposed development and elevation of the nearest sensitive receivers.</p>	<p>Building C has an upgraded façade to reduce external noise (including road and rail) to acceptable levels. It is anticipated that the upgraded façade and the current mitigation measures proposed for the licensed premise, would reduce the Tavern noise to acceptable levels. A more detailed assessment can be undertaken at the detailed design stage.</p>	<p>This was addressed in our previous response to RFI. See response below</p> <p>"The Tavern operators will be able to manage this through a noise management plan. The following management measures can be incorporated into the noise management plan:</p> <ul style="list-style-type: none"> <li>Utilise the internal layout to ensure that queuing occurs within the building</li> <li>Have security at the doors to avoid patrons from loitering</li> <li>Have designated smoking rooms for patrons and restrict smoking to these areas"</li> </ul>
<p>It is likely that patrons will gather outside for smoking or queuing to enter the premises. The noise impact assessment has not considered this and any report should demonstrate that a worst-case <b>acoustic</b> scenario has been modelled for the proposed licensed premises.</p>	<p>Without exact the location and sound data of the mechanical plant, the noise attenuation due to intervening structures (such as buildings and fences) is not known and therefore an accurate/ meaningful assessment of mechanical plant can't be undertaken.</p>	<p>Council can include in their conditions of consent that a mechanical plant assessment must be undertaken prior to CC</p>
<p>No <b>acoustic</b> assessment has been undertaken on the mechanical plant (air conditioning units, extraction/supply fans mechanical ventilation etc) to be utilised by the proposed development. The report should undertake a typical preliminary <b>acoustic</b> assessment (where assumptions are made on typical mechanical equipment to be installed and the approximate noise level dB(A) of equipment) to demonstrate that compliance can be achieved for the proposal.</p>	<p>The commercial tenancies are yet to be confirmed. The noise levels from a commercial tenancy can range from 45 dBA - 80 dBA. It is more appropriate for the tenant to undertake a separate acoustic assessment when more details about the operation is known. Council can include this requirement in their conditions of consent.</p>	<p><b>Noise Impact – Commercial tenancies/medical Centres/Restaurant</b></p> <ul style="list-style-type: none"> <li>No <b>acoustic</b> assessment has been undertaken on proposed commercial tenancies (including restaurants and medical centre). Commercial tenancies are likely to cause adverse noise impact on the nearby sensitive receivers. The consultant shall undertake a typical preliminary <b>acoustic</b> assessment (where assumptions can be made on typical noise associated with the proposed use with approximate noise level dB (A) to demonstrate that compliance can be achieved.</li> </ul>